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ABSTRACT

This paper analyzes the preschool special education eligibility classifications and criteria used by states and the District of Columbia in compliance with Part B of the Individuals with Disabilities Education Act. Four types of eligibility classifications are described: use of only Part B disability categories; use of Part B categories plus a state-defined, preschool-specific category/classification; use of some, but not all, Part B categories and a preschool-specific category that replaces omitted Part B categories; and use of no Part B categories. States' use of quantitative and qualitative criteria for preschool-specific category/classification is examined, with a state-by-state summary chart. The chart specifies the type of eligibility classification; the preschool-specific classification and criteria used for it; and notes on which Part B categories are used, modified, or omitted. (SW)

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Preschool Special Education Eligibility Classifications and Criteria

by
Joan Danaher

The identification of children, 3 through 5 years of age, in need of special education and related services has been an issue with advocates, service providers, parents, researchers, and policy makers for years. The enactment in 1975 of P. L. 94-142, the Education for All Handicapped Children Act (EHA), required states and jurisdictions to identify children for whom they provided special education and related services by the disability categories enumerated in the law (hereinafter referred to as Part B categories). This hard-won legislation was deemed an important civil rights act for children with disabilities, and it was important to specify just who was protected by this law.

As implementation of this legislation continued throughout the late 1970s and into the 1980s, concerns were raised in some quarters about how applicable and appropriate some of the disability categories are for very young children. The research community was, and remains, concerned that among preschoolers, some developmental domains are so interrelated — e.g., cognition and language — that the disability resulting in the developmental delay or dysfunction is not readily determined. The need to identify a disability in order to provide access to services may result in hasty diagnoses and, perhaps, inappropriate services. Some advocates maintain that identifying some disabling conditions in the early years creates a self-fulfilling prophecy and unfairly stigmatizes children, who, with early intervention, may not continue to need special education.

In response to these concerns and to support states that had begun using noncategorical eligibility criteria for preschoolers, Congress incorporated several revisions addressing eligibility for preschoolers in subsequent reauthorizations of the EHA. In 1986, P. L. 99-457 — which encouraged states to serve all eligible children with disabilities from age 3 — relieved states of reporting to the U.S. Department of Education the numbers of 3- to 5-year-olds served by disability category. In 1991, P. L. 102-119 amended the law, by then renamed the Individuals with Disabilities Education Act (IDEA), to allow states, at their option, to incorporate an additional disability category for children, ages 3 through 5 years, who are experiencing developmental delays. This additional disability category is referred to in this paper as a preschool-specific category. The Part B disability categories currently included in IDEA are presented in Table 1.

In response to states' interest in how others are using the disability categories and whether they have incorporated an eligibility category specific to 3- through 5-year-

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olds, the author, at NEC*TAS, analyzed the preschool special education eligibility classifications and criteria provided by the preschool special education coordinators of the states and the District of Columbia. The data presented in this report were sent to the preschool special education coordinators for their review in early 1995. Corrections and clarifications provided by them have been incorporated into this report. The results of the analysis are presented below.

Types of Eligibility Classifications

The analysis of the eligibility policy documents provided to NEC*TAS by state preschool special education coordinators revealed four types of classifications:

Type 1 — the use of Part B categories only;

Type 2 — the use of Part B categories and a state-defined, preschool-specific category;

Type 3 — the use of some, but not all, Part B categories and a preschool-specific category that replaces the omitted Part B categories; and

Type 4 — the exclusive use of a preschool-specific or non-Part B category. Table 2 portrays the states that are included in each classification type. Each of these types and their subtypes is described below.

Type 1. The seven states grouped in Type 1 use only Part B disability categories. That is, these states use all disability categories except the additional preschool-specific category, which the law now permits. Four of these states use the same eligibility criteria for all children, regardless of age and are characterized as subtype 1A in Table 2.

In three states, however, the criteria for some or all categories are modified for preschoolers. Modifications range from greater latitude given to multidisciplinary teams in selecting assessment instruments and procedures, to different scores or quantitative criteria used for preschoolers than for school-age children. This group is portrayed in Table 2 as subtype 1B.

Type 2. These states use all of the Part B disability categories including an additional preschool-specific category or classification. The 21 states in this group are differentiated by whether the additional category is used freely or is used only as a "last resort" when another disability category cannot be clearly differentiated. Eighteen states, subtypes 2B and 2C in Table 2, use the additional category freely. Three of these states (subtype 2C) also have modified the criteria used for the Part B disability categories to make the criteria more appropriate for preschoolers.

Table 1
Part B Disability Categories Under IDEA

(1)(A) The term "children with disabilities" means children —

(i) with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) who, by reason thereof, need special education and related services.

(B) The term "children with disabilities" for children aged 3 to 5, inclusive, may, at a State's discretion, include children —

(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(ii) who, by reason thereof, need special education and related services.

IDEA, 1991; *see* 33 U.S. Code, Sec. 1401

Anecdotally, many states have reported that, for most of their 3- through 5-year-olds, eligibility for preschool special education is determined using the preschool-specific category, and that relatively few children are identified under the other disability categories. The Part B categories remain available for identifying preschoolers but are seldom used. Only three states under Type 2 (subtype 2A) restrict use of the preschool-specific category.

Type 3. The 15 states that use some, but not all, of the Part B categories, plus a preschool-specific category, comprise the Type 3 group. The preschool-specific category is perceived as a more age-appropriate clas-

Table 2

Four Types of Preschool Special Education Eligibility Classifications in the States and the District of Columbia

As of March 1995

(*N* = 51)

Type (1) 7 States use only Part B disability categories.

(1A) Categories are identical to those used for school-age.
n = 4 (DC, IN, MD, and ND)

(1B) Criteria for some/all categories is modified for preschoolers.
n = 3 (CA, NE, and WI)

Type (2) 21 States use Part B categories plus a preschool-specific category/classification.

(2A) The preschool-specific category may be used when another category is not clearly differentiated or only as an alternative to selected categories.
n = 3 (MI, NV, and TX)

(2B) The preschool-specific category is used freely and Part B categories are identical to those used for school-age.
n = 15 (CO, GA, HI, IL, ME, MN, MT, NH, NM, OR, PA, RI, TN, UT, and VA)

(2C) The preschool-specific category is used freely, and some or all Part B categories have modified evaluation procedures for preschoolers.
n = 3 (AL, FL, and KY)

Type (3) 15 States use some, but not all, Part B categories and a preschool-specific category/classification that may replace omitted Part B categories.

(3A) The preschool-specific category is used when a child does not qualify in other categories.
n = 1 (WY)

(3B) The preschool-specific category is used freely and the Part B categories that are used are identical to those used for school-age.
n = 7 (ID, LA, MO, NY, NC, WA, and WV)

(3C) The preschool-specific category is used freely, and some/all of the remaining Part B categories used have modified definitions or criteria (scores, assessment, procedures) for preschoolers.
n = 7 (AK, AZ, AR, DE, IA, MS, and SC)

Type (4) 8 States do not use any Part B categories for preschoolers.

(4A) Preschool-specific category is used exclusively.
n = 5 (KS, NJ, OH, OK, and VT)

(4B) States have noncategorical criteria for all ages.
n = 3 (CT, MA, and SD)

sification for children who might eventually be determined to have one of the disability categories omitted for preschoolers. The most frequently omitted categories are mental retardation (omitted in 8 states), serious emotional disturbance (omitted in 9 states), and specific learning disabilities (omitted in 15 states). Other categories associated with physical disabilities are omitted by smaller numbers of states. Most of the omitted Part B disability categories are subsumed under the criteria for the preschool-specific category. For example, the definition and criteria for "developmental delay" includes cognitive, physical, and social or emotional delays. The use of developmental delay in these cases precludes premature and perhaps stigmatizing labeling of young children.

The disability category of specific learning disabilities (SLD) presents different concerns for Type 3 states, and a paradox as well. Many professionals believe that SLD is, by definition (Office of Education, 1977; see 34 CFR 300.5(b)(9)), a school-age disability and not applicable to preschool children. None of the 15 Type 3 states use this disability category for preschoolers. Some advocates, on the other hand, argue that children who will later be identified as SLD may not be included in the eligible population as preschoolers. The paradox is that while states posit age-appropriate eligibility criteria and denounce premature labeling and stigmatizing, children with some disabilities may be denied services. It is clear that the precursors of SLD need more study, and that behaviors that are indicative of later SLD diagnoses should be incorporated into states' eligibility criteria for preschoolers.

Among the Type 3 states there are other practices of note. Seven states (subtype 3B) use their preschool-specific category freely, and one (subtype 3A) withholds use of that category except when a child does not qualify in other categories. Seven states (subtype 3C) modify the definitions or criteria for preschoolers for the remaining Part B disability categories used. Several states among Types 2 and 3 include language in their policies stipulating that children must meet the eligibility criteria for one of the Part B categories as the criterion for classification by the preschool-specific classification.

Type 4. The eight states that do not use any of the Part B categories for preschoolers use a noncategorical designation exclusively. Five of these states (subtype 4A) use a preschool-specific disability category, and three states (subtype 4B) have noncategorical criteria for all ages.

Criteria for Preschool-Specific Eligibility Classifications

In addition to determining how states classify preschool children with disabilities, the NEC*TAS analysis also addressed the type of criteria associated with the preschool-specific classifications (i.e., how disability is determined). These criteria range widely, including both quantitative and qualitative types of criteria.

Quantitative criteria are those expressed in scores of some type or based on discrepancies in developmental versus chronological age. For states using standard deviations (SD) below the mean, the range is from 1.0 SD to 3.0 SD below the mean in one developmental area; and from 1.0 SD to 2.0 SD in two or more areas. The most frequently employed criterion (in 19 states) utilizing SD scores is 2.0 SD in one developmental area or 1.5 SD in two or more developmental areas. Among states using a criterion of delay expressed as a percentage of chronological age, the range is 25% to 50% delay in one developmental area, or 15% to 25% delay in two developmental areas. Three states use percentile scores ranging from 1%ile to 7%ile. One state uses a "months delay" criterion. Three states suggest quantitative criteria are to be used (i.e., "measurable development impairment," "significant delay") but do not specify a particular level of delay. A summary of the quantitative criteria most frequently used by states for their preschool-specific classification is offered in Figure 1.

Sixteen states, up from 11 in 1992, use qualitative criteria, including professional judgment or informed clinical opinion, as an alternative to quantitative criteria or as the sole criterion for eligibility under the preschool-specific category. Nine states include diagnosed conditions associated with a high probability of disability as an alternative or sole criterion for eligibility under the preschool-specific category.

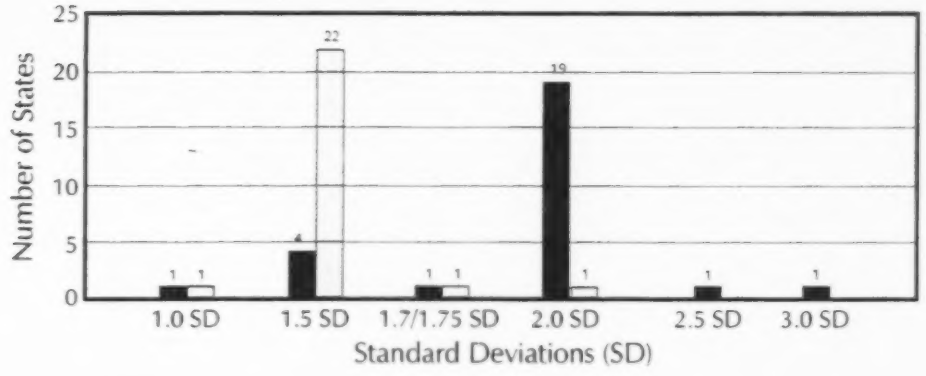
Table 3 is a state-by-state Summary Chart of Preschool Special Education Eligibility Criteria in the States and the District of Columbia (N=51). The data presented in the table include type of classification (referring to Table 2), the preschool-specific classification and criteria used for it, and notes on the use of Part B categories, including whether they are used,

Figure 1

States' Use of Quantitative Criteria for Preschool-Specific Category/Classification

Delay Expressed as Performance Below the Mean on a Standardized Norm-Referenced Test

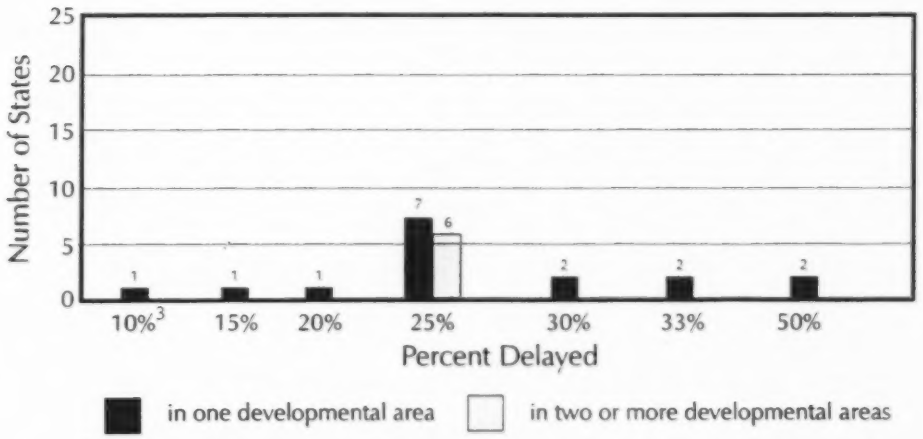
n=31 states[1]



[1] Numbers total more than 31 due to variations in specifying delays in 1, 2, or more developmental areas.

Delay Expressed as Percent of Chronological Age

n= 15 states[2]



[2] Numbers total more than 15 due to variations in specifying delays in 1, 2, or more developmental areas.
[3] Plus presence of established biological risk factors.

omitted, or modified. This table was reviewed by state preschool special education coordinators in early 1995, and has been revised according to their clarifications and corrections.

Conclusion

NEC*TAS will continue to monitor the evolution of states' eligibility policies for preschool special education and will make this information available to states and other interested parties. If you have updates, questions, or clarifications, please address them to the author at NEC*TAS.

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Table 3

Summary Chart of Preschool Special Education Eligibility Criteria in the States and the District of Columbia as of March 1995

State (type)	Preschool-Specific Category/Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
AL (2C)	"Developmentally delayed": 2 SD or 30% delay in one area 1.5 SD or 25% delay in two areas	Modify: Speech/language, learning disabled Use: All others
AK (3C)	"Preschool child with disabilities": 2 SD or 25% delay in one area 1.7 SD or 20% delay in two areas	Omit: Learning disabled Use: All Others
AZ (3C)	"Preschool moderately delayed": 1.5 SD in two areas "Preschool severely delayed": More than 3 SD in one area "Preschool speech/language delayed": 1.5 SD *plus* Collaborative evidence and professional judgment	Use: Hearing, vision impairment Modify: Speech/Language Omit: All Others
AR (3C)	"Preschool delayed": 2 SD in one area 1.5 SD in two areas	Modify: Speech/language; orthopedic, vision, hearing, multiple, or other health impairments; autism Omit: Mental retardation, emotional disturbance, learning disability
CA (1B)	None; However, "established medical disability" is also used	Modify: All
CO (2B)	"Preschool child with a disability": 1.5 SD in one area or 7%ile or standard score of 76 *or* Has identifiable condition known to be associated with significant delays in development *or* Informed opinion of assessment team with written documentation	Use: All
CT (4B)	"Preschool children requiring special education": Professional judgment	Use: None

[1] Criteria for preschool-specific eligibility categories typically reference a child's status in one or more developmental areas. The term "area" in this column refers to developmental area. Although states vary somewhat, most list five areas (or some variation): cognitive, language, physical, psychosocial, and self-help. SD refers to standard deviations below the mean on a norm referenced standardized instrument.

[2] Part B categories not specifically listed in this column are assumed to be used by the state, unless noted.

Use = As per criteria for school age.

Modify = Definition or criteria modified for preschoolers. The state's terminology is used for any categories listed as modified.

Omit = These categories not used for preschoolers because children with these disabilities are assumed to be included in the preschool-specific categories.

Table 3, *continued*

State (type)	Preschool-Specific Category/Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
DE (3C)	"Developmental delay" - 3 year olds only (categorical for 4 year olds): 1.75 SD or 25% in one area *or* Clinical judgment	For 3 year olds: Modify: Speech/language Omit: Learning disability, emotional disturbance Use: Autism, deaf-blindness, hearing impairment, severe and trainable mental handicap, physical impairment, visual impairment For 4 year olds: Modify: Speech/language Use: All others
DC (1A)	None	Use: All
FL (2C)	"Developmentally delayed": 2 SD or 25% delay in one area 1.5 SD or 20% delay in two areas *or* Informed clinical opinion	Modify: Speech/language, learning disabled, deaf or hard of hearing, visually impaired, dual sensory impaired Use: All others
GA (2B)	"Significantly developmentally delayed": 2 SD in one area 1.5 SD in two areas	Use: All
HI (2B)	"Early childhood learning impairment": 1.5 SD in one area	Use: All
ID (3B)	"Developmentally delayed": 2 SD or 33% delay in one area 1.5 SD in two areas *plus* Professional judgment	Omit: Learning disabled Use: All others
IL (2B)	"Developmentally delayed": Meet the criteria of one or more of the other disability categories and are experiencing delay in at least one area	Use: All
IN (1A)	None	Use: All
IA (3C)	"Individual requiring special education": Professional judgment	Omit: Learning disabled Modify: All others
KS (4A)	"Eligibility for early childhood special education": 1.5 SD in one area *or* Diagnosed conditions *or* Professional judgment	Use: None

Table 3, *continued*

State (type)	Preschool-Specific Category/Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
KY (2C)	"Developmental delay": 2 SD in one area 1.5 SD in two areas *or* Professional judgment of atypical development if normed scores are inconclusive and there is written documentation	Modify: All (also note that categories include diagnosed conditions)
LA (3B)	"Noncategorical preschool": "Mild/moderate or severe/profound functional impairment in a developmental area"	Omit: Mental disability, emotional disturbance, learning disability Use: Severe sensorial impairment, severe physical impairment, severe language disordered, autism; speech impaired may be used instead of noncategorical preschool
ME (2B)	"Developmental delay": 2 SD or 25% delay in one area 1.5 SD or 15% delay in two areas *or* 1 SD or 10% delay in one area, plus established biological risk factors	Use: All
MD (1A)	None	Use: All
MA (4B)	"Child in need of special education": Professional judgment	Use: None
MI (2A)	"Preprimary impaired": 50% delay in one area (use only if one of the categories is not clearly differentiated)	Use: All
MN (2B)	"Eligible for early childhood special education": 1.5 SD in two areas *or* Medically diagnosed condition *or* Professional judgment	Use: All
MS (3C)	"Developmental delay": 1.5 SD or 25% delay in two areas *or* Diagnosed condition	Omit: Learning disabled, mentally retarded, multiple handicapped, physically handicapped, emotionally disturbed Modify: Speech/language impaired Use: Vision, hearing impaired, deaf-blind, autistic
MO (3B)	"Eligible for early childhood special education": 2 SD or equivalent levels in one area 1.5 SD or equivalent levels in two areas *or* Professional judgment	Use: Speech impaired Omit: All others

Table 3, *continued*

State (type)	Preschool-Specific Category/Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
MT (2B)	"Severe delay in development": 2 SD in one area 1.5 SD in two areas	Use: All
NE (1B)	None	Modify: Behavior disorder, speech/language, hearing or vision impairments, mentally handicapped, multihandicapped Use: All others
NV (2A)	"Developmentally delayed": 2 SD in one area 1 SD in two areas (use as alternative only for mentally retarded, learning disabled, emotionally disturbed)	Use: All
NH (2B)	"Developmental delay": Has impairment in development and has been determined to have one of the other educationally disabling conditions	Use: All
NJ (4A)	"Preschool handicapped": Identified handicapping condition or measurable developmental impairment	Use: None
NM (2B)	"Preschool children with disabilities": Significant delay in one or more areas	Use: All
NY (3B)	"Preschool student with a disability": 2 SD or 33% delay in one area 1.5 SD or 25% delay in two areas *or* 12-month delay in one or more areas *or* Professional judgment	Omit: Mentally retarded, multihandicapped, seriously emotionally disturbed, specific learning disability, speech impaired Use: Autistic, deaf, deaf-blind, hard of hearing, orthopedically impaired, other health impaired, traumatic brain-injured, visually impaired
NC (3B)	"Preschool developmentally delayed": 2 SD or 30% delay in one area 1.5 SD or 25% delay in two areas *or* Informed clinical opinion and appropriate assessment measures	Omit: Behaviorally-emotionally handicapped; mentally handicapped; multihandicapped; specific learning disabled Use: Orthopedically, visually, hearing or other health impaired, deaf-blind, autistic, traumatic brain injured, speech-language impaired
ND (1A)	None	Use: All
OH (4A)	"Preschool child with a disability": 2 SD in one area 1.5 SD in two areas *or* "Documented deficit in vision or hearing"	Use: None
OK (4A)	"Developmentally delayed": 2 SD or 50% in one area 1.5 SD or 25% delay in two areas	Use: None

Table 3, *continued*

State (type)	Preschool-Specific Category/Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
OR (2B)	"Eligible for early childhood special education": 1.5 SD in two areas	Use: All
PA (2B)	"Developmental Delay": 1.5 SD or 25% delay in one area	Use: All
RI (2B)	"Developmental delay": 2 SD or 25% delay in one area 1.5 SD in two areas *or* Diagnosed condition	Use: All
SC (3C)	"Preschool children with disabilities": 2 SD in one area 1.5 SD in two areas *or* IQ 25-50 +/- standard error, consistent subnormal intertest performance, disability not result of behavior disorder, cultural or educational deprivation, adaptive behavior consistent with cognitive ability *or* IQ below 25, severe impairment in all areas evaluated	Omit: Learning disabled, mentally retarded, emotionally disturbed, multiply impaired, traumatic brain injured, autistic Modify: Speech/language, other health impaired, sensory impaired, orthopedically impaired
SD (4B)	"Certified child": professional judgment	Use: None
TN (2B)	"Developmental delay": 1.5 SD or 6%ile in four (of seven) areas for CA 3 and 4 1.5 SD or 6%ile in five (of nine) areas for K or 1st grade	Use: All
TX (2A)	"Non-categorical early childhood": May be used when a child aged 3-5 meets criteria for learning disabled, mentally retarded, emotionally disturbed and/or autism	Use: All
UT (2B)	"Preschool handicapped": 2.5 SD or 1%ile or below in one area 2 SD or 2%ile or below in two areas 1.5 SD or 7%ile or below in three areas *or* Hearing or vision impairment	Use: All
VT (4A)	"Eligible for essential early education": 18 month delay CA 3 to 5 24 month delay CA 5 to 6 *or* "Medical condition"	Use: None
VA (2B)	"Developmental delay": "Significant delay" in one area (guidelines suggest 1 SD or 25% delay)	Use: All

Table 3, *continued*

State (type)	Preschool-Specific Category/Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
WA (3B)	"Developmentally handicapped": Child meets criteria for developmental delay - 2 SD in one area 1.5 SD in two areas *or* Eligible for Part B categories other than learning disabled, emotionally disturbed, mentally retarded	Omit: Learning disabled, mentally retarded, emotionally disturbed Use: All others
WV (3B)	"Eligible preschool children": 25% delay in two areas	Omit: Learning disabled Use: All others
WI (1B)	None	Modify: Cognitively disabled, learning disabled Use: All others
WY (3A)	"Developmental disability": 2 SD in one area 1.5 SD in two areas	Omit: Learning disabled Use: All others